

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 20995 of 2004

Between:

Pisini Suryanarayana, S/o Pisini Lingayya,
R/o Kothapalli Village, Kotambommali Mandal,
Tekkali Division, Srikakulam District

..... PETITIONER

AND

1. The Revenue Divisional Officer, Tekkali, Srikakulam District
2. The Joint Collector, Srikakulam, Srikakulam District
3. The District Collector, Srikakulam

.....RESPONDENTS

The Court made the following:

ORDER:

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Questioning the action of the first respondent in issuing the notification in R.C.No.1164/04-A, dated 01.11.2004 calling for the applications from the Backwards Class (Women) Candidates for filling up of the post of Fair Price Shop Dealer of Kothapalli-2 Depot, Kotabommali Mandal, Tekkali Division, Srikakulam District, which is reserved for Scheduled Caste Candidates, the present writ petition has been filed.

2. The main grievance of the petitioner is that the first respondent, without following the instructions issued by the Government from time to time on the subject matter, issued the impugned notification calling for the applications from the Backward Class (Women) candidates for filling up of the post of Fair Price Shop Dealer of Kothapalli-2, which is reserved for Schedule Caste candidates, and in view of the same, he lost his opportunity to apply for the same.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

4. The learned counsel for the petitioner contended that the first respondent, without assigning any reasons for changing the reservation from Scheduled Caste category to Backward Class category, issued the impugned notification calling for applications for filling up the post of Fair Price Shop dealer of Kothapeta-2 from the Backward Class candidates, which reserved for Scheduled Caste community.

5. On the other hand, the learned Government Pleader for Civil Supplies contended that an appeal is pending before the 2nd respondent-Joint Collector in respect of the same issue, and therefore, the writ petitioner cannot be permitted to prosecute the same cause of action under two parallel proceedings.

6. The notification issued by the first respondent-Revenue Divisional Officer in R.C.No.1164/04-A, dated 01.11.2004 calling for applications from the Backward Class (women) candidates for filling up the post of Fair Price Shop Dealer of Kothapalli Depot-2 is under challenge. In respect of the same set of facts, the petitioner has already been filed an appeal before the Joint-Collector and it is still pending.

7. As rightly contended by the learned Government Pleader for Civil Supplies, the petitioner cannot be permitted to prosecute on the same cause of action

under two parallel proceedings.

8. Therefore, without going into the merits of the case, since the appeal filed by the petitioner is pending before the second respondent-Joint Collector, I deem it appropriate to direct the second respondent-Joint Collector, Srikakulam, to consider the aspect as to why the Scheduled Caste category has been changed to Backward Class category and pass appropriate orders in accordance with law within a period of two (2) weeks from the date of receipt of a copy of this order.

9. It is made clear that the interim order passed by this Court on 16.11.2004 shall remain in force till disposal of the appeal which is pending before the second respondent.

10. With the above observation, the writ petition is disposed of. No costs.

(K.C. BHANU, J)

Date: 29.09.2005

Ksn